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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11) No. CR 12- 000705-YGR
Plaintiff,)
12)
13 vs.) STIPULATION AND ORDER TO
14) CONTINUE HEARING DATE TO APRIL
ALONZO JUAN HERNANDEZ,) 18, 2013 AND TO EXCLUDE TIME
15) UNDER THE SPEEDY TRIAL ACT
Defendant.)
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The above-captioned matter is set on March 21, 2013 before this Court for a status hearing. The parties jointly request that the Court continue the matter to April 18, 2013, at 2:00 p.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, between March 21, 2013 and April 18, 2013, for effective defense preparation.

On September 27, 2012, the Grand Jury charged Alonzo Juan Hernandez in two counts: (1) possession with the intent to distribute methamphetamine, a violation of 21 U.S.C. § 841(a)(1); and (2) felon in possession of a firearm, a violation of 18 U.S.C. § 922(g). On October 15, 2012, Mr. Hernandez appeared before the magistrate court and was arraigned on the Indictment. The magistrate court appointed the Federal Public Defender to represent him and

1 John Paul Reichmuth was assigned to his case. In early December, the Federal Defender
2 reassigned this case to Angela Hansen because Mr. Reichmuth is out on personal family leave.

3 A Superseding Indictment was filed on January 10, 2013, and Mr. Hernandez was
4 arraigned on January 24, 2013 on three counts. He is now charged with the first two counts from
5 the original indictment and with an additional count of 18 U.S.C. § 924(c), carrying and
6 possessing a firearm during or in relation to a drug trafficking crime. This added charge has
7 increased Mr. Hernandez's statutory maximum and minimum penalties and the applicable
8 Sentencing Guidelines.

9 The parties are discussing plea negotiations and anticipate that this case may resolve
10 short of trial. In the meantime, however, given the new charges the defense requests that the
11 Court continue this matter to give counsel additional time to complete its investigation of this
12 case and the new charge that Mr. Hernandez used a gun in connection with a drug trafficking
13 crime. For example, last week the defense conducted a second evidence view of items at the
14 Hayward Police Department and now the defense has a follow-up investigation to conduct based
15 on information from that viewing. Additionally, a defense investigator has interviewed three
16 witnesses to Mr. Hernandez's arrest and defense counsel needs additional time to discuss these
17 interviews with Mr. Hernandez. For these reasons, the defense requests additional time to
18 prepare, and the parties agree that it is appropriate to continue this case until April 18, 2013.

19 The parties stipulate and agree that the ends of justice served by this continuance
20 outweigh the best interest of the public and the defendant in a speedy trial. The parties further
21 agree that the failure to grant this continuance would unreasonably deny counsel for defendant
22 the reasonable time necessary for effective preparation, taking into account the exercise of due
23 diligence. Accordingly, the parties agree that the period of time from March 21, 2013 and April
24 18, 2013, should be excluded in accordance with the provisions of the Speedy Trial Act, 18
25 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), for effective preparation of defense counsel, taking into
26 account the exercise of due diligence.

1 DATED: March 19, 2013

_____/S/
JAMES C. MANN
Assistant United States Attorney

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3 DATED: March 19, 2013

_____/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

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1 **ORDER**

2 Based on the reasons provided in the stipulation of the parties above, the Court hereby
3 FINDS:

4 1. Given that the Federal Public Defender reassigned this case to new defense
5 counsel in December 2012;

6 2. Given that a Superseding Indictment was filed in January 2013 adding a third
7 count that has raised the statutory maximum, mandatory minimum, and the Sentencing
8 Guidelines;

9 3. Given that the defense needs additional time to investigate following an evidence
10 view that the parties conducted at the Hayward Police Department last week;

11 4. Given that the defense needs additional time to discuss recent defense witness
12 interviews with her client;

13 5. Given that these above-listed tasks are necessary for the defense preparation of
14 the case and that the failure to grant the requested continuance would unreasonably deny counsel
15 for defendant the reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence;

17 6. Given that the ends of justice served by this continuance outweigh the best
18 interest of the public and defendant in a speedy trial;

19 Based on these findings, IT IS HEREBY ORDERED that the STATUS date of March 21,
20 2013, scheduled at 2:00 p.m., is vacated and reset for April 18, 2013 at 2:00 p.m. It is
21 FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §
22 3161(h)(7)(A) and (B)(iv), from March 21, 2013 and April 18, 2013.

23 DATED: March 20, 2013

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YVONNE GONZALEZ ROGERS
25 United States District Judge
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